

Remarks

In the action, claims 1-33 were rejected under 35 USC 103(a) as unpatentable over Gesuita et al. (US 6,566,613) in view of Luke (US 6,580,037) in view of “applicant’s own admission of prior art.” Applicants respectfully traverse this rejection for the reasons explained in detail below, and request that this application be passed to issue.

Claim 23

Claim 23 is directed to a method for interfacing users of a scale both at the scale and remotely, the scale operable for weighing and determining prices of items, where the method includes the steps of:

- providing in the scale a web server;
- providing in the scale a resident interface display screen;
- providing in the scale a remote interface link;
- serving user interface web page data from the web server for display on the resident interface display screen; and
- serving user interface web page data to the remote interface link for transfer to a remote device.

Thus, the invention defined by claim 23 utilizes a web server within a scale to provide the user interface for **both users resident at the scale and users remote from the scale** by serving user interface web page data for display on a resident interface display screen of the scale and by serving user interface web page data to a remote interface link of the scale.

As reflected in Fig. 1 of Gesuita et al., the reference teaches a system in which each multihead weigher 1 includes a PC 2 that acts as a central control unit for multiple weighing modules 5 of the weigher 1. The PC 2 includes graphical user interface software to drive a graphic display such as a touch screen including icons or buttons for a user. Notably, the weighing modules 5 themselves include a single board weighing module controller 10 but lack a user interface display screen. Gesuita et al. is primarily focused on automated control of weighing modules, and control by a user appears to be secondary concern. As admitted in the action, Gesuita et al. does not suggest the use of a “web user interface” for the display of PC 2. Likewise, Gesuita et al. makes no mention of the use of a web server in either the PC 2 or the weighing modules 5 and, in fact, makes no mention whatsoever of a web server.

The action asserts that “it appears that the scale of Gesuita et al. was intended to work equally well with any commercially available web based interface.” Applicants respectfully traverse this assertion, as Gesuita et al. lacks any support for this assertion, and the assertion is completely at odds with the admission that Gesuita et al. does not suggest a web user interface. The record is clear that Gesuita et al. does not mention the use of a web server, a web browser or web page data. Likewise, Luke fails to mention the use of a web server, web browser or web page data. Therefore, the cited art does not support the stated proposition that it “would have been obvious to use any conventional web based interface in the scale of Gesuita et al.”

Moreover, assuming for the sake of argument only that it would be obvious to incorporate the use of web-based technology into the device of Gesuita et al, consideration still needs to be given to what that technology would be and how it would be used. Notably, the incorporation of web-based technology into PCs (such as PC 2 in Gesuita et al.) typically takes the form of a web browser that enables a user at the PC to access web page data over the Internet. The use of a web browser for this purpose in the PC 2 of Gesuita et al. would not result in the invention defined by method claim 23, which requires that a web server within a scale provide the user interface for both users resident at the scale and users remote from the scale by serving user interface web page data for display on a resident interface display screen of the scale and by serving user interface web page data to a remote interface link of the scale. Typical PCs are not configured to include a web server that serves web page data to be displayed on the screen of the PC itself. Thus, even under an evaluation deferential to the Examiner’s position, the cited art fails to provide any teaching or motivation to use a web server in a scale to carry out the method of claim 23, and therefore the rejection based upon the combination of Gesuita et al. (US 6,566,613) in view of Luke (US 6,580,037) in view of “applicant’s own admission of prior art” does not make out a *prima facie* case of obviousness of claim 23. Withdrawal of the rejection is therefore requested.

Finally, applicants respectfully submit that the fact that the claimed web server could be a commercially available product does not negate the patentability of the invention defined by claim 23. The action asserts that there exists some “art recognized suitability” for the use of a web server in a scale to serve user interface web page data, but fails to document any support for this assertion. Applicants have not admitted, and do not admit, that the use of web server technology in scales was recognized in the prior art. Applicants respectfully submit that no such

“art recognized suitability” exists and request that the Examiner provide support for this assertion if the rejection is to be maintained.

Claims 1-13

Claim 1 is directed to a scale for weighing an item and determining a price for the item.

The scale includes:

- a weighing station for receiving the item, the weighing station producing at least one weight indicative signal;
- a scale controller for receiving the weight indicative signal and determining the price for the item based upon the weight indicative signal;
- a resident interface link including an associated display screen;
- a remote interface link for providing remote access by external devices;
- and
- a web server associated with the controller for serving user interface web page data to one or both of (1) the resident interface link for display on the display screen and (2) the remote interface link for transfer to an external device.

Thus, the invention defined by claim 1 provides a web server within a scale to serve user interface web page data to one or **both** a resident interface link with display screen and a remote interface link for transfer to an external device. The external device can then display the web page data to a remote user at the external device.

For the reasons noted above with respect to claim 23, the cited art does not support the stated proposition that it “would have been obvious to use any conventional web based interface in the scale of Gesuita et al.,” and even under an evaluation deferential to the Examiner’s position, the rejection based upon the combination of Gesuita et al. (US 6,566,613) in view of Luke (US 6,580,037) in view of “applicant’s own admission of prior art” does not make out a *prima facie* case of obviousness of claim 1 or dependent claims 2-13. Withdrawal of the rejection is therefore requested.

Dependent claims 2-13 recite various features that the action fails to evaluate.

For example, claim 6 specifically recites that “the controller and web server are operable together in at least one mode to **serve similar web page data to both the resident interface link and the remote interface link for enabling remote viewing of on-going scale operations in real time.**” Gesuita et al. does not teach that the PC 2 sends the same GUI data to a remote location that the PC 2 sends to its own display screen 3. Luke also fails to teach this feature. Claim 7 is even further distinguishable in that it requires that “certain of the similar web page

data is interactive when served to the resident interface link and is view only when served to the remote interface link.” This claimed feature assures that the remote interface cannot be used to interfere with scale operations being carried out by an operator at the scale when real time, remote viewing of the on-going scale operations is taking place. Again, both Gesuita et al. and Luke are completely lacking of any teaching of this feature.

Claims 9-12 relate to a scale login function used to limit the web page data that can be served to resident interface link and the remote interface link. The action fails to point out where these features are found in the cited art.

Claims 14-22

Claim 14 is directed to a scale for weighing an item and determining a price for the item, where the scale includes:

- a weighing station for receiving the item, the weighing station producing at least one weight indicative signal;
- a scale controller for receiving the weight indicative signal and determining the price for the item based upon the weight indicative signal;
- a remote interface link for providing remote access by one or more remote devices; and
- a web server associated with the controller for serving user interface web page data to the remote interface link for transfer to an external device.

Thus, claim 14 requires that a scale include a web server that serves user interface web page data to a remote interface link for transfer to an external device. The external device can then display the web page data to a remote user at the external device.

As admitted in the action, Gesuita et al. does not suggest the use of a “web user interface” for the display of PC 2. Likewise, Gesuita et al. makes no mention of the use of a web server in either the PC 2 or the weighing modules 5. Luke also fails to teach the use of a web server. The action fails to cite any motivation or teaching to provide such a web server in the PC 2 of Gesuita et al. so that the web server in the PC 2 serves user interface web page data to a remote interface link, and therefore the rejection based upon the combination of Gesuita et al. (US 6,566,613) in view of Luke (US 6,580,037) in view of “applicant’s own admission of prior art” does not make out a *prima facie* case of obviousness of claim 14 or dependent claims 15-21. Withdrawal of the rejection is therefore requested.

Dependent claims 16-21 recite various features that the action fails to evaluate.

For example, dependent claim 18 requires that a system for weighing and determining prices for weighed items includes:

- a scale according to claim 14;
- a store computer network, the remote interface link of the scale connected to the store computer network, the store computer network including at least one computer connected thereto and having a web browser associated therewith;
- wherein the computer web browser connects to the scale web server by pointing to a network address assigned to the scale web server.

Thus, the system of claim 18 makes remote access to the scale convenient and efficient assigning a network address to the scale web sever and simply pointing the web browser of a store computer to that network address. The cited art is completely lacking of any teaching for the claimed scale system.

Dependent claim 20 requires the web server serve similar web page data to both a resident interface link and the remote interface link, and claim 21 requires that certain of the similar web page data be interactive when served to the resident interface link, but view only when served to the remote interface link. For the reasons explained above with respect to claims 6 and 7, dependent claims 20 and 21 clearly distinguish over the cited references.

Dependent claim 22 includes distinguishing features similar to those of claim 18.

Claims 31-33

Claim 31 is directed to a method for monitoring operations of a certain scale configured to weigh and determine a price for items, the scale including a web server and an associated remote interface link connected to a network, where the method includes the steps of:

- identifying a network address associated with the certain scale;
- remotely connecting to the scale using a web browser by pointing to the identified network address;
- receiving at least one interactive login web page from the scale;
- logging in to the scale via the remote connection; and
- receiving automatically provided web page data via the remote connection, the web page data being updated in real time to reflect on-going operations of the scale.

Thus, the method of claim 31 makes real time, remote monitoring of scale operations efficient and convenient by using a network address assigned to the scale sever, pointing a remote web browser to that network address, logging into the scale via a login web page and then receiving

real time updated web page data from the scale. The cited art is completely lacking of any teaching for this claimed method. Applicants request that the examiner specify how the art teaches this method if the rejection is maintained.

Notably, Gesuita et al. does not suggest remote monitoring of a scale by pointing a remote web browser to a network address assigned to the scale. Likewise, Luke merely suggests that a scale can report errors to a service center for review by service personnel, and that the service personnel can request further information by transmitting a request for further information back to the scale. (See Luke at col. 3, lines 47-67). Luke does not suggest remotely monitoring scale operation by logging on to a scale from a remote location.

Dependent claims 32 and 33 recite steps that are patentable for reasons similar to those explained above with reference to claims 6 and 7.

Claims 24-30

Claim 24 is directed to a method for assisting a scale operator in troubleshooting a certain scale configured to weigh and determine a price for items, the scale including a web server and an associated remote interface link connected to a network, where the method includes the steps of:

- communicating with the scale operator;
- identifying a network address associated with the certain scale;
- remotely connecting to the scale using a web browser by pointing to the identified network address;
- receiving an interactive login web page from the scale; and
- logging in to the scale via the remote connection.

The examiner asserts that remote troubleshooting of a network via a remote computer has been known in general for at least a decade, points to Luke as suggesting remote servicing of scales and then appears to provide a blanket rejection of all of claims 24- 30 on that basis. However, claim 24 does not seek to patent the servicing of scales via a remote computer *per se*, but instead focuses on a specific method involving the aforementioned steps. The examiner's analysis fails to address the specific steps, including the identification of a network address of the scale, the use of a web browser to remotely connect to the scale by pointing the browser to the identified address, receiving a login web page and then logging in to the scale. Applicants request that the examiner specifically identify the support in the art for these steps if the examiner intends to maintain the rejection.

Notably, as admitted in the action, Gesuita et al. does not suggest having a remote technician log on the scale. Likewise, Luke merely suggests that a scale can report errors to a service center for review by service personnel, and that the service personnel can request further information by transmitting a request for further information back to the scale. (See Luke at col. 3, lines 47-67). Luke does not suggest logging on to a scale from a remote location for troubleshooting purposes.

Dependent claims 25-30 include additional distinguishing features, and the applicants again request that the examiner specifically identify where the art suggests these features if the rejection of such claims is to be maintained.

Conclusion

For the reasons noted above, all claims in this application are in condition for allowance and issuance of a Notice of Allowance is respectfully requested. If the examiner has any questions regarding this application or response, please contact the undersigned attorney at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Nieberding", is written over a horizontal line.

Michael J. Nieberding
Reg. No. 39,316

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
Telephone (937) 443-6892
Facsimile: (937) 443-6635